

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

STATE OF MARYLAND,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE *et al.*,

Defendants.

Civil Action No. 18-cv-2849 (ELH)

**DEFENDANTS' MOTION TO STAY RESPONSE TO COURT'S JANUARY 2, 2019
ORDER IN LIGHT OF LAPSE IN APPROPRIATIONS**

The United States of America moves for a stay of its response to the Court's January 2, 2019 Order in the above-captioned case. As grounds for this request, the United States of America states the following:

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies. The Department does not know when funding will be restored by Congress.

2. The undersigned did not initially file a stay motion in this matter as part of the Department's orderly shutdown given that the parties' respective motions, *i.e.*, Defendants' motion to dismiss and the State's preliminary injunction motion, have been briefed and argued and are pending disposition by the Court. The Court's January 2 Order now requires a response from Defendants by Wednesday, January 9.

3. Absent an appropriation, however, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

4. Undersigned counsel for the Department of Justice therefore requests a stay of the United States’ response to the Court’s January 2, 2019 Order until Congress has restored appropriations to the Department.

5. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

6. Opposing counsel has authorized counsel for the Government to state that Plaintiff opposes this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of its response to the Court’s January 2, 2019 Order until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: January 3, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General
Civil Division

HASHIM M. MOOPPAN
BRETT A. SHUMATE
Deputy Assistant Attorneys General

JENNIFER D. RICKETTS
Branch Director

JEAN LIN

Acting Deputy Director

/s/ Tamra T. Moore

TAMRA T. MOORE

REBECCA CUTRI-KOHART

Trial Attorneys

United States Department of Justice

Civil Division, Federal Programs Branch

1100 L Street, N.W.

Washington, DC 20005

Tel: (202) 305-8628

Email: Tamra.Moore@usdoj.gov

Counsel for Defendants